

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X  
SANTOSH BHARDWAJ, :  
 : **Index No. 11 Civ. 4170 (AKH)**  
Plaintiff, :  
 :  
-against- :  
 :  
PRABHU DAYAL, CHANDINI DAYAL and :  
AKANSHA DAYAL, :  
 :  
Defendants. :  
-----X

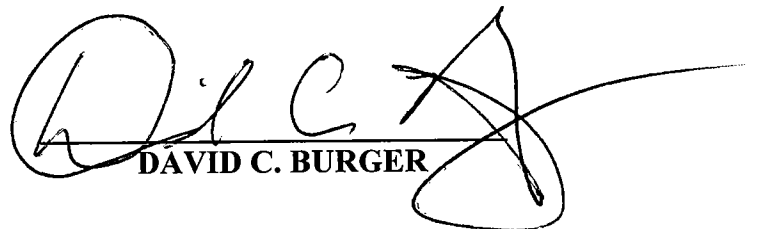
**AFFIDAVIT OF DAVID C. BURGER**

STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF NEW YORK)

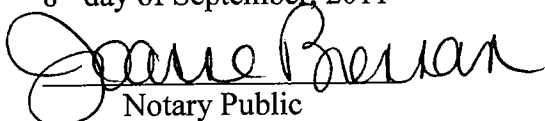
DAVID C. BURGER, being duly sworn, deposes and says:

1. I am an attorney admitted to practice before the courts of the State of New York and am of counsel to Robinson Brog Leinwand Greene Genovese & Gluck P.C., attorneys for the Defendants named in the above-captioned action I submit this affidavit in support of the Defendants' pre-answer motion to dismiss this action

2. Attached hereto as Exhibit A is the affidavit of Ashok Tomar, Addl. Secretary (AD), Ministry of External Affairs, New Delhi for the Government of India, dated September 2, 2011.

  
DAVID C. BURGER

Sworn to before me this  
8<sup>th</sup> day of September, 2011

  
Notary Public

JOANNE BRENNAN  
Notary Public, State of New York  
No. 01BR6173507 Qualified in Nassau County  
Certificate Filed in New York County  
Commission Expires Sept. 10, 2014